


MEMORANDUM

Department of Environmental Quality
Office of Water Permit Programs

SUBJECT: Guidance Memo No. 99-2007
Implementation Guidance for Reissued VPDES General
Permit VAG84, Nonmetallic Mineral Mining

TO: Regional Directors

FROM: Larry G. Lawson 

DATE: June 29, 1999

COPIES: Regional Permit Managers, Regional Water Permit
Managers, Regional Compliance and Enforcement Managers,
Amy Clarke, Water Permit Programs Staff

9 VAC 25 Chapter 190 has been amended to reissue General VPDES Permit VAG84 for Nonmetallic Mineral Mining for another five year term. It was adopted by the Board on March 11, 1999 and will become effective on June 30, 1999. A copy of the amended regulation and the final version of the permit reissuance fact sheet are attached for your information, and separate copies of the registration statement, registration statement instructions and general permit are attached for use by the permit writers. These documents are also available on the agency network at K:\AGENCY\OWPS\VPDES\GENPERMS\VAG84. This implementation guidance will replace the September 27, 1993 guidance (OWRM Guidance Memo 93-024) and its April 11, 1994 and December 13, 1995 addenda.

Facilities that are currently covered by General Permit VAG84 must resubmit a registration statement in order to continue coverage under the reissued permit. The registration statement forms have been slightly changed with this amendment, so new forms should be sent out to the existing permit holders as soon as possible so they can reregister. Registrations for facilities seeking continuation of existing coverage should be received prior to June 30, 1999, the expiration date of the current general permit. Please use the new forms for any other facilities that request coverage. The fee for coverage is still \$200.00. Coverage under the reissued general permit should not begin until the June 30, 1999 effective date of the new regulation. Coverage should not be issued to facilities located where board regulations or policies prohibit such discharges (e.g., Chicahominy standards require more stringent TSS limits).

The basic procedures for implementation have not changed. In general, the regulation and permit have been updated in response to regulatory or procedural changes since the last issuance (e.g., boilerplate update, LGOF requirement removal, storm water language update). Changes were also made for clarification, to correct what were perceived as problems with the last permit, or in response to comments received from the Technical Advisory Committee formed for this regulation amendment, from the regions,

or from other state and federal agencies.

Regarding covered facilities, note that for coverage of process wastewater, mine pit dewatering and commingled storm water, SIC Code 1446 and several specific operations within SIC Codes 1459 and 1499 were dropped from the general permit. The reason is that EPA effluent guidelines apply and are more stringent than those in the general permit. Any such excluded activities will require an individual VPDES permit. Few if any facilities currently operating in Virginia are expected to be affected by this change.

For storm water only, coverage has been expanded to include all of the Group 14 nonmetallic mineral mining activities (including those activities noted above as not covered for process wastewaters, etc.). This coverage is now not available with the General Permit for Storm Water Associated with Industrial Activity. Any nonmetallic mineral mines with storm water discharges must use VAG84 if they want general permit coverage, whether it is for storm water only or both storm water and process wastewater. If coverage is for storm water only, the effluent limitations page for process wastewater, mine pit dewatering and commingled storm water does not apply and need not be included in the general permit sent out to the owner.

A co-located facility is defined in the regulation. It should have wastewater characteristics similar to those of the mineral mine and be located within the permitted mining area. Asphalt paving materials manufacturers (SIC Code 2951) are not specifically excluded in this reissuance because processing wastewaters are prohibited, and storm water from these facilities are not subject to more stringent requirements than are in this general permit. Some confusion might arise in that the General Permit for Storm water Associated with Industrial Activity has specific limits for asphalt emulsion manufacturing facilities. Note that these facilities are different from the asphalt paving materials manufacturing facilities (asphalt concrete) common to mineral mining sites. Asphalt emulsion manufacturing plants do not typically locate on mine sites. However, since they have the same SIC Code as asphalt paving materials manufacturers the regulation specifically excludes them to avoid misinterpretation.

TPH monitoring has been added to the effluent limits page for process wastewater, mine pit dewatering and commingled storm water, but is only required for outfalls that receive discharges of process wastewaters from vehicle or equipment washing facilities. If a vehicle or equipment washing activity is listed on the registration statement for a particular outfall, the DMR for that outfall should include TPH monitoring. Annual TPH monitoring is required for all uncombined storm water outfalls as indicated on the storm water effluent limitations page. A TPH test method is not specified in the general permit. If you want to specify a method in the transmittal letter, or if a permittee has a question, note that Method 1664 is no longer considered appropriate for TPH analysis. EPA method 418.1 is still

appropriate as of this date. In the future, specify whatever method the agency agrees upon for analysis of this parameter.

The storm water management language of the permit (Part II) has been updated to include requirements similar to the new General Permit for Storm Water Associated with Industrial Activity. This includes the requirement for making visual examinations of storm water discharges (See Part II H 3 d). Tracking of results from these examinations is not necessary. It should be noted during inspections if the proper inspections and documentation have been made.

Review of registration statements should be no different than under the previous permit. Some minor changes to the form were made as recommended by permit writers. The "Receiving Stream" section has been expanded into a "Discharge Information" section that provides more information. As described in the registration statement instructions (which should be sent out with the registration forms), "Outfall Type" is for indicating process wastewater, storm water or both (commingled). "Source of Discharge" means the industrial activity producing a process wastewater or the nature of the area being drained for storm water. It was requested that latitude and longitude be added to the database in case outfalls need to be located. The LGOF requirement was dropped. The rest of the registration statement is the same, or the minor changes are self-explanatory.

The regions will have to evaluate the response to registration statement item 13 to determine if the chemicals being added to the water need to be limited or controlled in some way. If so, the facility should not be covered by the general permit. The general permit also requires the permittee to notify the Department prior to using any chemicals that are not identified on the registration statement. If a permittee makes such a notification, the response letter can be signed by the Regional Director.

In response to registration statement item 18, the applicant may attach a copy of the letter from DMME which approved the mining permit. Mining permits are typically issued as letters approving an application, rather than as separate documents. We should not require the applicant to send a copy of his mining permit in with the registration statement. All we need is some proof that one has been issued to the operation we are reviewing.

DMME has asked that we send a copy of registration statements we receive to them. It is not necessary to include attachments, such as maps. The address is:

Department of Mines, Minerals and Energy
Division of Mineral Mining
P.O. Box 3727
Charlottesville, VA 22903

The "Mining Permit No." was added to the registration statement

at their request to help them identify the facility.

If the applicant previously held an individual permit, antibacksliding must be considered when evaluating if the facility qualifies for coverage. Antidegradation was considered in the issuance of the general permit and a determination was made that for the type of facilities covered, new or increased discharges would not result in significant effects to receiving waters.

As with the previous permit, preparation of the general permit pages for a qualified facility includes assembling the cover page (printed on agency letterhead), Part I effluent limits pages and special conditions, Part II Storm Water Management pages, and Part III boilerplate with the general permit number for the facility entered in the indicated areas on the pages. Please remember the last four digits of the permit number have to be typed in on the permit pages (including the cover page) before the permit is mailed to the owner. The header page counts may change if fonts other than Times New Roman 12 pt are used. The outfall numbers must be added at the end of the first sentence on the effluent limitations pages. All outfalls described in the registration statement should be listed. No other changes to the language of the general permit are authorized. Alternate pH limits, if applicable, can just be indicated on the DMR.

Because this was a reissuance of a permit, existing assigned permit numbers remain the same. The system for numbering new facilities covered under the general permit and the blocks of numbers assigned to the regions have not been changed. All permit numbers will begin with the same five characters: VAG84. The remaining four characters will be assigned by the regions in numerical order as they add facilities to the general permit. The numbers have been allotted as follows:

SWRO:	0001 - 0999
VRO:	1000 - 1999
WCRO:	2000 - 2999
TRO:	3000 - 3999
PRO:	4000 - 4999
NRO:	6000 - 6999

The reissued general permit requires quarterly monitoring and reporting for process wastewater, mine pit dewatering and commingled storm water. Quarterly reporting differs from the last permit which required only annual reporting. Non-commingled storm water is still monitored and reported at a once per year frequency. DMRs must be generated for each outfall or outfall grouping. If the applicant has indicated substantially identical outfalls, has provided the required information to support this, and the permit writer does not dispute this determination, a DMR can be provided for the representative outfall with other outfalls represented by the sample indicated in the comments section.

As before, general permit pages and DMRs are transmitted to the permittee with a copy kept for the regional file. No Central Office or EPA copies are necessary. Note that the transmittal letter for coverage under a general permit does not contain the two paragraphs referencing the owner's right to appeal the decision to cover them under the permit. The transmittal letter may be signed by whomever has been delegated authority to issue coverage under general permits. It must be sent by certified mail.

The transmittal should indicate where DMRs are to be sent. They are due on the tenth of the month following sampling according to the generic boilerplate. Tracking of compliance with the limits and other requirements of the general permit should be according to the Compliance Auditing System already established for VPDES permits. Reporting requirements for noncompliance, unusual or extraordinary discharges, etc. are the same as for an individual permit. Coverage under this general permit is tracked in CEDS.

The Notice of Termination form has not been included in this reissuance. Requests for termination can be made by letter. The boilerplate allows for permit actions including termination, and the regional office can terminate coverage under regional letterhead.

A permittee who wishes to add outfalls or substantially change his facility should submit an amended registration statement and be issued new DMRs if necessary. No new permit fees are necessary since the permit itself is not modified. When these changes are made, CEDS and the Compliance Auditor need to be updated.

If there is a request for a change of ownership, the new owner assumes the coverage under the general permit and the permit number does not change. The new owner may submit a new registration statement, but it is not necessary. Part III of the permit allows for automatic transfer of ownership if the 30 day prior notice and the required written agreement between the new and old owners are provided. The other change of ownership requirements and procedures from the VPDES Permit Regulation and VPDES Permit Manual that are common to all VPDES permits apply here as well. Any change of status should be noted in CEDS.

Storm Water Pollution Prevention Plans should be updated if necessary to meet new requirements in this reissuance. A year from the effective date is allowed by the permit to accomplish this at an existing facility. Old storm water pollution prevention plans remain in effect until then. New facilities must have plans that meet the new requirements upon registration. As before, the plans are maintained on site. If DEQ personnel make an inspection of a facility covered by the general permit, they should ask to see the pollution prevention plan and any evaluation reports. Failure to develop and follow the pollution prevention plan is a violation of the permit.

Facilities covered under the general permit are subject to the inspection strategy in the industrial small category. They should be inspected at least once every five years.

The boilerplate requires that the permittee submit a new registration statement 180 days prior to the expiration of this general permit if continued coverage is desired, unless permission is granted for a later date. A later date can be granted that is up to but not after the expiration date of the general permit.

Contact Mike Gregory (Phone (804)698-4065) if you have any questions regarding this implementation guidance.

DISCLAIMER

This document provides technical and procedural guidance to the permit staff for implementation of the VPDES General Permit for Nonmetallic Mineral Mining. This document is guidance only. It does not establish or affect legal rights or obligations. It does not establish a binding norm and is not finally determinative of the issues addressed. Agency decision in any particular case will be made by applying the State Water Control Law and the implementation regulations on the basis of the site specific facts when permits are issued.

**Example Transmittal Letter
General Permit**

Regional Letterhead

Facility Name
Address

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

ATTN: Contact

RE: Coverage under the General VPDES Permit for Nonmetallic
Mineral Mining VAG84_____

Dear Permittee:

We have reviewed your Registration Statement received on _____ and determined that this activity is hereby covered under the referenced general VPDES permit. The effective date of your coverage under this general permit is the date of this letter. The enclosed copy of the general permit contains the effluent limitations, monitoring requirements and other conditions of coverage.

In accordance with the permit you are required to submit discharge monitoring reports (DMR) quarterly to:

Regional Office Address

The reporting form[s] is [are] included with the permit. You will be responsible for obtaining additional copies of the reporting form[s]. A separate DMR is to be completed for each permitted outfall or outfall grouping if substantially identical storm water outfalls have been demonstrated. The sampling and reporting are on a quarterly basis with the DMRs due on the tenth of January, April, July and October of each year.

The general permit will expire on June 30, 2004. The conditions of the permit require that you submit a new registration statement 180 days prior to that date (unless an alternate date has been granted by the board) if you wish continued coverage under the general permit.

Please review the enclosed materials carefully. If you have any questions, do not hesitate to contact us.

Sincerely,

Name
Title